

*New Jersey Archives* • THIRD SERIES

Volume IV

Laws of the Royal Colony  
of New Jersey  
1760-1769

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TRENTON, N.J.

*An ACT for the more effectual Preservation of Deer in this Colony.*

BE IT ENACTED *by the Governor, Council, and General Assembly, and it is hereby Enacted by the Authority of the same,* That if any Person or Persons, shall presume, at any Time after the Publication hereof, to carry any Gun, or hunt or watch for Deer, or set in any Dog or Dogs to drive Deer or any other Game, on any Lands not his own, (and for which the Owners pay Taxes) or is in his lawful Possession, unless he have Licence or Permission in Writing from the Owner or Owners or legal Possessor; such Person or Persons so offending and convicted thereof, either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of one or more Witness or Witnesses, before any Justice of the Peace, of either of the Counties, Cities, or Towns Corporate of this Colony, in which the Offender or Offenders may be taken or reside; he shall, for every Offence, forfeit and pay to the Owner of the Soil, or his Tenant in Possession, the Sum of *Forty Shillings*; with Costs of Suit. *Provided*, that Nothing herein contained, shall be construed to extend to prevent any Person carrying a Gun upon the King's Highways in this Colony.

AND BE IT FURTHER ENACTED *by the Authority aforesaid,* That if the Person or Persons offending against this Act, be Non-Residents of this Colony, he or they shall forfeit and pay for every such Offence *Five Pounds*, and shall forfeit his or their Gun or Guns to any Person or Persons, who shall inform and prosecute the same to Effect, before any Justice of the Peace, in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.

AND BE IT ENACTED *by the Authority aforesaid,* That if any Person or Persons, shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any Sort of Deer whatsoever, at any other Time or Season, except only between the First Day of *September* and the First Day of *January*, yearly and every Year; he, she or they so offending, shall forfeit and pay the Sum of *Forty Shillings* for each and every Offence, to be sued for, recovered, and applied as aforesaid.

AND for the better and more effectual convicting of Offenders against this Act, BE IT ENACTED *by the Authority aforesaid,* That any and every Person or Persons, in whose Custody shall be found, or who shall expose to Sale any green Deer Skins or fresh Venison, killed at any Time after the First Day of *January*, and before the First Day of *September* aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more creditable Witnesses, shall be deemed guilty of offending against this Act, and be subjected to the Penalties of killing Deer out of Season.

AND *Whereas* the Practice of shooting at Deer with Shot, is not only prejudicial to the Skins, but also in too many Instances only occasions Wounds which do not bleed, and with which the Deer escape and pine away and die: Therefore, BE IT ENACTED, that from and after the First Day of

*September* next, no Person or Persons whatsoever, shall presume to shoot at any Deer with Shot of any Kind whatever, but with a single Slug, Bullet or Ball only. And that if any Person or Persons, shall presume to shoot at, wound, or kill any Deer, with any other Shot than a single Ball, Slug or Bullet, the Person or Persons so offending, shall forfeit and pay for every such Offence the Sum of *Twenty Shillings*, to be recovered and applied as is herein before directed, for any Person hunting on Lands not his own.

AND *Whereas* great Numbers of idle and disorderly Persons make a Practice of hunting for Deer on waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Public is prejudiced by the Loss of their Labour, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That from and after the first Day of *September* next, no Person or Persons whatsoever, (except such Persons as are by the Laws of this Colony qualified to vote for Representatives in General Assembly, and their Sons being of the Age of Eighteen Years or upwards, and living with their Parent or Parents, or being Freeholders) shall on any Pretence whatever, hunt or kill any Deer on the waste and unimproved Lands in this Colony; and if any Person or Persons, not qualified as aforesaid, shall presume to hunt Deer as aforesaid; he or they so offending, shall forfeit and pay for every such Offence, the Sum of *Twenty Shillings*, to be recovered by Action of Debt, with Costs, by any Person who shall sue for the same, to be applied one Half to the Prosecutor, and the other Half to the Use of the Poor of the Township or Precinct where the Fact was committed.

AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony, shall set any Trap of Steel or Iron, larger than what is usually and commonly set for Foxes or Musk Rats, or which Trap when set shall exceed the Weight of *Five Pounds*; such Person setting such Trap, shall pay the Sum of *Five Pounds*, and forfeit the Trap, or (in Default of Payment for Twenty-four Hours after Conviction) shall suffer Three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap; and the Owner of such Trap, or Person to whom it was lent, shall be esteemed the Setter thereof, unless it shall be proved on Oath or Affirmation, what other Person set the same, or that such Trap was lost by said Owner or Person to whom it was lent, and absolutely out of his Power. And if the Setter of the Trap be a Slave, and it be his own voluntary Act, he shall (unless the Master or Mistress shall pay the Fine) in lieu of such Fine, be publicly whipt with Thirty Lashes, and committed till the Costs are paid; and that the said Traps shall be broken and entirely destroyed, in the View and Presence of the Justice of the Peace before whom they are brought, and shall be delivered to the Overseer of the Poor, to be by him sold for the Use of the Poor. And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Iron or Steel Trap or Traps, the Weight whereof shall exceed Five Pounds, or shall have in his Possession, any other Device for taking of Deer, such Person or Persons shall be subjected to the same Penalty as if he or they were convicted of setting such Trap or Traps, or other Device for taking of Deer.

AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any Steel or Iron Trap of greater Weight than Five Pounds, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying the said Trap to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*: And every Person who shall bring into this Colony any new or repaired Trap above the Weight aforesaid, shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer, shall be so poor, as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the Common Gaol, until he shall prove who is Owner of said Trap, or delivered the same to him; and in such Case, the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of said Trap, or the Person who delivered the same to the Pauper, and the Trap shall be forfeited, worked up and intirely destroyed.

AND *Whereas* a most dangerous Method of setting Guns has too much prevailed in this Province; BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony, shall presume to set any loaded Gun, in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-Payment thereof shall be committed to the Common Gaol of the County, for Six Months.

AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly provided for, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace.

AND BE IT ENACTED *by the Authority aforesaid*, That Nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of Tame Deer, from killing, hunting or driving their own Deer.

AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Officer within this Province, coming to the Knowledge of any Offence against this Act, and shall not prosecute the same to Effect, within Two Months after such Knowledge, shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable; and the Justices at every Sessions shall give the Substance of this Law in Charge to the Grand Jury, who shall make particular Inquiry thereof, and present all such Persons offending against this Act, against whom no Actions have been brought and Recoveries had for the Penalties in this Act contained; and on Conviction for any of the Offences herein mentioned, to set and impose the Fines and Penalties herein mentioned, with Costs of Suit.

AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons whatsoever, whether the Accused or Accuser, Plaintiff or Defendant, shall think themselves aggrieved, by any of the Judgments given by the said

Justices, or other Magistrates, for any Suit commenced by Virtue of this Act, then it shall and may be lawful for such Person or Persons, to appeal (on giving sufficient Security for the Forfeitures and Costs) to the next Court of General Quarter Sessions, held for such County, where such Judgment shall be given; which Court is hereby impowered to hear and determine all and every such Appeal or Appeals.

AND BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony, shall, after the Publication of this Act, watch with a Gun, on any uninclosed Land, within two hundred Yards of any Road or Path, in the Night-time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon or within two Hundred Yards of any Road as aforesaid, for shooting at Deer driven by Dogs, he or they so offending, shall on Conviction, forfeit and pay the Sum of *Five Pounds*, for every such Offence, to be recovered by Action of Debt, or Presentment of the Grand Jury, as aforesaid, and pay all Damages.

PROVIDED ALWAYS, That the Fifth, Seventh and Eighth Sections of this Law, shall not be construed to extend, or any Ways affect the Counties of *Essex, Bergen, Morris or Sussex*. *Provided also*, That the sixth Section of this Act, shall not be construed to affect any native Indian.

AND BE IT ENACTED *by the Authority aforesaid*, That all the Laws now in Force for the Preservation of Deer, and regulating the Size of Traps, shall be, and they are hereby repealed.

Passed 6 Dec. 1769.

Parker (1769), pp. 96-100.

### *An ACT for the better preserving of Oysters, in the Colony of New-Jersey.*

WHEREAS the Act passed in the First Year of the Reign of King GEORGE the First, hath not been sufficient to preserve the Oysters within the said Colony; and that Practices are made Use of, not provided against by the said Act, which, if permitted to continue, will in a short Time, destroy the Oysters in the Rivers and Bays of this Colony: Therefore,

BE IT ENACTED *by the Governor, Council and General Assembly of this*